

Meeting of 1997-6-10 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JUNE 10, 1997 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

John T. Marley, Mayor, Also Present:
Presiding Gil Schumpert, City Manager
John Vincent, Senior Assistant
City Attorney
Brenda Smith, City Clerk

The meeting was called to order at 6:30 p.m. Notice of meeting and agenda were posted on the City Hall bulletin board as required by State law.

ROLL CALL

PRESENT: Jody Maples, Ward One
Richard Williams, Ward Two
Jeff Sadler, Ward Three
John Purcell, Ward Four
Robert Shanklin, Ward Five
Charles Beller, Ward Six
Carol Green, Ward Seven
Randy Warren, Ward Eight

ABSENT: None.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF MAY 27, 1997.

MOVED by Purcell, SECOND by Sadler, for approval of the minutes. AYE: Williams, Sadler, Purcell, Shanklin, Beller, Green, Warren, Maples. NAY: None. MOTION CARRIED.

AUDIENCE PARTICIPATION: None.

UNFINISHED BUSINESS:

1. Consider entering into an agreement with the United Social Actions, Inc. to carry out the Youth Employment Project funded during the 1996-1997 program year. EXHIBITS: AGREEMENT.

Schumpert said this item was previously tabled due to concerns over the amount of money being proposed for administration.

Frank Pondrom, Housing and Community Development Director, said USA, Inc. revised the agreement and returned it, and that he and the City Attorney had discussed it, resulting in a new agreement. He said there were clarifications made regarding ages, and the City Attorney was mindful of the contractor relationship that needs to be maintained and would be damaged if it were too specific about how to carry out an activity. Pondrom said administrative costs have been reduced, USA, Inc. will rely more heavily on volunteers, to \$1,500.

MOVED by Green, SECOND by Shanklin, to authorize the Mayor and City Clerk to execute an agreement with USA, Inc. to implement the youth employment project for \$20,000.

Purcell said paragraph seven is a hold harmless agreement and asked if the City would be liable for any actions that might result in anyone getting hurt. He said he thought insurance was previously required. Vincent said there is a requirement in the base contract at paragraph eight for insurance. Purcell asked if the City would be completely covered between the insurance and the hold harmless agreement. Vincent said yes.

VOTE ON MOTION: AYE: Sadler, Purcell, Shanklin, Beller, Green, Warren, Maples, Williams. NAY: None. MOTION CARRIED.

2. Reconsider an ordinance amending the Land Use Plan from Residential-Multi Family to Commercial and Office and

changing the zoning from C-1 (Local Commercial District) to C-4 (Tourist Commercial District) zoning classification located at 302 NW Rogers Lane. EXHIBITS: ORDINANCE NO. 97-___; LOCATION MAP; SITE PLAN; LETTER AMENDING REQUEST; LMAPC MINUTES.

Mayor Marley said a request has been received from the property owner to table this matter until July 22.

MOVED by Beller, SECOND by Sadler, to table this item until July 22. AYE: Purcell, Shanklin, Beller, Green, Warren, Maples, Williams, Sadler. NAY: None. MOTION CARRIED.

BUSINESS ITEMS:

3. Hold a public hearing and consider an ordinance changing the zoning from R-1 (Single Family Dwelling District) to C-1 (Local Commercial District) zoning classification located at 2101-2113 and 2117 West Gore Boulevard. EXHIBITS: ORDINANCE NO. 97-27; LOCATION MAP; APPLICATION FOR REZONING; EXCERPT FROM 2020 LAND USE PLAN; LMAPC MINUTES.

Deborah Jones, Assistant Planning Director, said a number of property owners have submitted a request for rezoning on Lots 17, and 19-25, Block 6, Lee Addition; Lot 18 is already zoned C-1. This request will rezone the entire area from Arbys east to Morford Drive. Surrounding zoning is R-1 on the north and east; C-1 on the south across Gore; R-3 multiple family dwelling district to the west. There are single family residences to the north and east; commercial activities are located to the south and west. The single family residences located on certain of these lots will be removed to allow for redevelopment.

Jones said LMAPC approved a request for a Use Permitted on Review to operate an oil and lube shop on Lots 18, 19 and 20, within this request. This has been appealed by a number of property owners, and the appeal will be heard by Council on June 24. She said it is proper to consider the rezoning tonight. LMAPC held a public hearing on May 14 regarding the zoning change; one person spoke in favor and the LMAPC voted 7-0 to recommend approval of the rezoning from R-1 to C-1 on the described tracts.

PUBLIC HEARING OPENED.

Fran Hankins said she owns property at 2107 and 2109 Gore, presently being used as rent houses. She said she had filed for appeal on the UPOR which will be heard two weeks from tonight, and the survey shows there are 31,000 cars that use Gore Boulevard. Hankins said she hoped her house was not turned into a pet shop, dry cleaners or laundry and that Lawton had too much to offer going down Gore Boulevard to have it butchered up. She said she hoped the entire block might be purchased by one commercial unit, and the buildings be located toward the back of the lots rather than 25 feet from the easement line because it is a very busy street. Hankins said she hoped everyone would drive down the street during rush hour and check with the police to see how many accidents have occurred.

Purcell asked Hankins if she was in favor of the zoning change or in opposition. Hankins said she was in favor of the zoning change but that Council should consider some restrictions on the UPOR.

PUBLIC HEARING CLOSED.

MOVED by Beller, SECOND by Green, for approval of Ordinance No. 97-27, waive the reading of the ordinance, read the title only, and approve the rezoning.

(Title read by Clerk) ORDINANCE NO. 97-27

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF THE TRACT OF LAND WHICH IS HEREINAFTER MORE PARTICULARLY DESCRIBED IN SECTION ONE (1) HEREOF FROM THE EXISTING CLASSIFICATION OF R-1 (SINGLE FAMILY DWELLING DISTRICT) TO C-1 (LOCAL COMMERCIAL DISTRICT) ZONING CLASSIFICATION; AUTHORIZING CHANGES TO BE MADE UPON THE OFFICIAL ZONING MAP IN ACCORDANCE WITH THIS ORDINANCE.

VOTE ON MOTION: AYE: Shanklin, Beller, Green, Warren, Maples, Williams, Sadler, Purcell. NAY: None. MOTION CARRIED.

4. Hold a public hearing and consider an ordinance amending the Land Use Plan from Residential-Single Family and Duplex to Residential-Multi Family and changing the zoning from R-1 (Single-Family Dwelling District) to R-3 (Multiple-Family Dwelling District) zoning classification located at 1803 NW Elm Avenue. EXHIBITS: ORDINANCE NO. 97-28; LOCATION MAP; SITE PLAN; APPLICATIONS FOR AMENDMENT TO LAND USE PLAN AND REZONING; LMAPC MINUTES.

Jones said the request was submitted by the Lawton Teachers Federal Credit Union. The request also included a UPOR to construct a parking lot associated with the current commercial building. This is a .1 acre tract and it currently contains a single family residential structure which will be removed for expansion of the parking lot.

Jones said the tract is bounded by R-1 on the south and west; R-3 on the east; and C-1 to the north. Liberty Heights

Christian Church is to the south; single family to the west; Lawton Teachers Federal Credit Union to the north; and a parking lot for the credit union is to the east. Proper notice was served for the LMAPC hearing. LMAPC held the hearing on May 14 and one person appeared on behalf of the Credit Union to answer questions. No one submitted letters or voiced opposition. The LMAPC voted to recommend amendment to the Land Use Plan and the change of zoning, as well as approving a UPOR for a parking lot associated with the commercial activity at this location.

PUBLIC HEARING OPENED. No one appeared to speak.
PUBLIC HEARING CLOSED.

MOVED by Williams, SECOND by Green, to adopt Ordinance No. 97-28 changing the zoning from R-1 to R-3 and amend the Land Use Plan as recommended, and waive the reading of the ordinance, read the title only.

(Title only) ORDINANCE NO. 97-28

AN ORDINANCE AMENDING THE 2020 LAND USE PLAN AND CHANGING THE ZONING CLASSIFICATION OF THE TRACT OF LAND WHICH IS HEREINAFTER MORE PARTICULARLY DESCRIBED IN SECTION TWO (2) HEREOF FROM THE EXISTING CLASSIFICATION OF R-1 (SINGLE FAMILY DWELLING DISTRICT) TO R-3 (MULTIPLE FAMILY DWELLING DISTRICT) ZONING CLASSIFICATION; AUTHORIZING CHANGES TO BE MADE UPON THE OFFICIAL ZONING MAP IN ACCORDANCE WITH THIS ORDINANCE.

VOTE ON MOTION: AYE: Beller, Green, Warren, Maples, Williams, Sadler, Purcell, Shanklin. NAY: None. MOTION CARRIED.

5. Hold a public hearing to receive citizen input on an application to the Department of Housing and Urban Development (HUD) for a Section 108 loan and an Economic Development Initiative Grant (EDI) for the renovation of the former Dunbar Elementary School and take appropriate action. EXHIBITS: NONE.

Pondrom said Council set a public hearing at its last meeting to consider this request. Viewgraph chart was presented concerning the estimated costs and Schumpert noted the figures were not large enough to read. Floor plan was presented showing spaces to be occupied by Great Plains Improvement Foundation and by Marie Detty Youth Services, as well as the portion for USA, Inc.

Schumpert said staff is recommending not applying for this based on the sole reason that if there is default on the loan, the City is the requestor and would become responsible for whatever remains on the loan.

Shanklin said he had a problem with that, as well as the fact that you could build something new for less money. He said it appeared USA would only have a small portion of space in the building. Shanklin said the building is in the flight path and that was one of the reasons it was closed initially. He said he could not vote for this until FAA says it is all right.

Purcell said USA, Inc. would have only a small part of the space in the building. He said for \$1.2 million it appeared a new, better and larger facility could be built. Purcell asked the square footage USA would have. Pondrom said approximately 8,000 to 10,000 square feet.

Williams said \$1.2 million is to renovate the whole building and asked the square footage of the whole building. Pondrom said approximately 24,000 square feet. Williams said it appeared to be a viable project but expressed concern about the flight path and the City's liability if the tenants leave.

Pondrom said the Dunbar School is not in the flight path. Shanklin said it is next to it, any way you want to describe it. Pondrom said it is within the parameters set by HUD to be funded with CDBG funds, meaning the area receives not more than 65 decibels according to the contour lines provided in the LMAPC Master Plan, which HUD goes by. Shanklin said FAA may not agree, even though HUD may. Pondrom said the flight path was close to the middle of the school but planes have become smaller and less noisy and the contour lines were moved outside the property lines.

Beller asked Pondrom if he was sure, and asked if it was because the aircraft had become less noisy. Pondrom said Beller is on the Airport Authority and would know about this, but that it was his understanding the jet aircraft engines have been required to be muffled and required by FAA to do certain modifications to their engines. Pondrom said he thought that may have been part of the reason the contours were moved, although he did not know exactly. Beller said he thought it had changed because AAR Part 119 relates to the noise, and that particular area was assessed as a noise area. Beller said a new study was made in the last year and that aircraft had become more noisy.

Beller asked how long GPIF and Marie Detty are allowed to contract for in a lease agreement. ODell Gunter, GPIF Director, said they can only commit their funds by the year due to uncertainty of federal funding from year to year. Beller said that was one of his concerns.

Maples said she had spoken with the Director of Marie Detty and he said even if they signed a 30 year lease, there is always a 30 day clause because they receive federal grants; if those grants are not received, they have to terminate their agreements. Maples asked how much money USA had raised themselves to improve the building. Pondrom said he did not know, but their projections include annually raising \$20,000 to \$30,000 by fund raising, membership agreements, and that sort of thing. Maples said if this is a community project, it seems the community should raise the money but it has turned into the City being responsible and that it should not be that way.

Green said the school was closed in 1973 due to the desegregation plan, and not just the airport. She said their purpose is to provide constructive and alternate choices for youth and adults in the neighborhood. Green said this building has represented pride in the community to the families; it has been idle and the problem has been given back to USA. She said the \$41,000 per year would come out of CDBG if Marie Detty and Great Plains are not able to remain in the building, and that is a big chunk of CDBG funds. Green said she is in favor of the project.

Shanklin said if \$1.2 million is being requested for a 8,000 square foot building that would be \$150.00 per foot. He said USA can use only 8,000 square feet of the building. Shanklin said a building could be built in a more central location at a much lesser cost.

PUBLIC HEARING OPENED.

Rev. Wesley Woodward, 1601 SW Pennsylvania Avenue, said he is representing United Social Action, Inc., and is a board member and parliamentarian for the group and is spearheading the activities of the committee. He said he is also appearing as a resident of Lawton View and as a pastor. Rev. Woodward said he would distribute brochures giving information about USA, Inc. and its purposes, one being to renovate the Dunbar Center. He said they are not a club or lose band of rebels wanting to find a way for the City to spend money unnecessarily for a project, and with the budget problems the City has, the last thing the City needs is to consider endorsing any project that has a high risk of becoming an expense to the City. Rev. Woodward said they are asking for consideration of the opposite; they are asking the City to join hands with them as they build a brighter future for the Lawton View community by allowing them to submit an application for grants and loans.

Rev. Woodward said in 1973 a group of concerned citizens from Lawton View stood before the Lawton Public School System and asked them not to close the Dunbar School as part of desegregation, which is the reason officially that it was closed, and not due to air traffic. He said he could not say why the citizens made that request but that history can say. Rev. Woodward said Lawton View is a melting pot of various ethnic cultures and races that seem to be poor and welfare recipients, but are valuable in the community. He said although it is predominantly Black, Lawton View is a valuable asset to the community. Rev. Woodward said when we take the cultural aspect away from the community, as the City is considering doing and building somewhere else and taking Dunbar out of the picture, the community has no central or cultural aspect to look up to. He said instead of having a cultural center they could look up to, they have crack houses in Lawton View, and dope dealers to look up to. Rev. Woodward said he was asking to have a cultural place where children could look back and say this was Vernon Separate School, this is history, where Black kids only could go to school, that is what Dunbar started as, founded by Blacks to get an education; it is about history, becoming a part of the Lawton School System in 1935, that is what is in Dunbar.

Rev. Woodward said this is about Ralph and Mildred Davis, two Black teachers who taught kids arithmetic, reading and writing; it is about the summer of 1943 when the original Douglas frame building was moved from First and Gore to the present site where Dunbar is to house Dunbar Elementary. He said that is history and that is culture. Rev. Woodward said the Black kids used to look up to teachers, but there are no teachers in their community, and when you take elementary schools out of a Black community, as we did during desegregation, we have no one to look up to. Rev. Woodward said what he faces as a pastor is crack houses in Lawton View and kids wanting to go to dope dealers because they make more money, they see more inspiration. He urged the Council to see Dunbar as more than just a building, more than just a project, but a cultural project for Black girls and boys, Indian girls and boys, Mexican Americans and Whites to come to be tutored in after school programs and given a hand up and not a hand out. Rev. Woodward said he wanted Dunbar to be a place where Blacks could stand and say they are not looking for welfare and they do not want the City to do anything for them, they want to put the money into it themselves for the Black community.

Rev. Woodward said they have a motto at USA that "no man ever stood taller than when he stooped to help someone else". He asked the Council to stand tall and allow them to submit just an application and give them an opportunity to show that they have some viable opportunities.

Mildred Carter Rice, 4614 SW I Avenue, said she was present to speak on behalf of her children who were reared in Lawton View, and now her grandchildren, and the coming generations. She said she was making a plea to Council to allow the loan for the Dunbar Center, and to please not make the mistake they did in the past. Rice said the Housing Authority wrote a proposal to HUD for a center that was badly needed in their area, but took the money and built an office building, which was needed. She said the City is not the Housing Authority, but is still held accountable, and the situation has been brought under control. Rice said they suffer and are still suffering today. She said the City has enough lawsuits pending against them and that she was not giving up.

Rice said a paper, Monday, May 26, showed your preference is to build a prison system instead of a community center, which is another form of slavery. She said she was tired and it is enough. Rice thanked her council person for fighting for them and that she hated violence but was acquainted with it. She requested support for this project.

Carl Usery, 4508 SE Brown Avenue, said he was present before and watched the item be tabled and procrastination taking place. He said Dunbar School closure was a scar of racism. Usery said he was present to support USA, Inc., which had proven themselves to be qualified and worthy of receiving land, labor, capital, grant money and loans from the federal, state and city governments; however, red lining, discrimination and bigotry in put from oppositional forces seems to procrastinate the procedures in the City's decision making process to where USA, Inc. that earns money through their

volunteerism, demonstration and willingness to restore dignity and respect to a community in Lawton View that was damaged and wounded by the previous city government officials and previous Lawton Public School Board officials, they all were working together back then; now, the USA, Inc. would like to start a healing process to heal the scars and wounds of bigotry and racism of the past.

Usery said excuses such as poorly written propositions and master plans will not stop USA, Inc. from accomplishing the goals and objectives shown on the brochure. He said the \$20,000 contract earlier with USA, Inc. was an investment already into the process of healing, which was good, but to complain about the \$5,000 division in the supervisors and directors with the responsibility for implementing positive programs that stimulate self esteem, set career goals, plan for self improvement, pride in community and positive atmosphere, therefore, to complain about or disapprove the USA request tonight would make the oppositional forces a part of the problem, and not a part of their solution to heal the scars of racism that plague this city.

Usery said the Dunbar Project will take everyone working together in peace and unity to heal all the scars and wounds that racism, discrimination, misappropriation of funds from the federal, state and city government have received where there has not been equal distribution of funds, and we must work together to restore and improve conditions in low income communities. He asked members to vote yes for USA, Inc. and for the people.

Steven Boyd, Lawton Chapter NAACP President, said he was present to speak about the importance of the City's support for the proposal for the USA Dunbar Project. He said he was interested in the Dunbar Project because it stems from the desire to implement projects involving education, tutoring, mentoring for young people, homework assistance, and other elements dealing with drug abuse and things that could uplift the community. Boyd said it is of major importance that this will not be, over a period of time, dependent on City funding; this project may serve as a prototype for future projects the City can endorse to make a transition from using tax dollars for many City related projects. He said the Dunbar Center and others similar to it would have the capability of serving or being used for facility and services the City already has in place; using the resources of the community, possibly a transition can be made to unload some of the overhead expense the City is currently using in avenues such as this.

Boyd said the City should assist with the project in as many ways as possible to insure its success because it would insure the future success of the City. He said citizens want to take on more responsibility in taking care of the city in which they live. Boyd said the project is an opportunity to transition from the massive, City tax funded power back to plain, old people resource, which has immense potential. He said churches, civic and social organizations have joined together to see this to its completion.

Boyd said there is a growing concern in the community as to whether the Council will be part of the solution or not, and at times the City leaders seem concerned only about the neighborhoods in which they specifically live. He said it is all of the neighborhoods that make up the City. Boyd said the group is not asking for funds currently being used by other City projects, and not even asking to allocate money for future City projects. He said as with the concept of teaching independence from negative influences in society, the group has provided a plan to be independent from City funding but merely seek the City's initial endorsement of support. Boyd said the City has supported other projects in other neighborhoods. He said if there are flaws in the plan, the City officials should use their leadership skills to assist the group in a constructive input, rather than criticism. Boyd said supporting this project, which will not require local funding, will enable the City to provide more support in the other neighborhoods. He said the Council's support of this project would be an encouraging statement to the citizens who have been inspired to help those in need and would be a testimony to the City that inspired them to want to do this in the first place. Boyd said many eyes are on the City to see if this marriage between the citizens and the City will work.

Veolia Bennett, 1914 SW G Avenue, said she had been with the Dunbar project for two years and had come before Council previously to request assistance to clear the building so they could use it in a safe manner. She thanked the City Engineers department for coming down to do that for them. Bennett said they had held many activities at the building but was disappointed when they were described as a club at the last meeting. She said USA has the teen pregnancy agency, has helped the homeless, and served the sick and shut ins and reached into the nursing homes to provide lap top desks for convenience. Bennett said the Mayor had attended activities at Dunbar, and that Representative Ron Kirby had been there when it was in bad shape. She said today you can walk through Dunbar School any where you want to, and that they carry on numerous classes working with children in arts and crafts, and in teaching children how to live, work and coordinate together. Bennett said the City has the Multi-Purpose Center but asked how many children can walk that distance at the ages of three and four. She said she is in the building every day and when you speak of noise, you should think again because she has headaches quickly when aggravated and has been in the building all day long cold or hot and has not had a headache.

Bennett said they were asking the Council to think about the children in the area. She said she moved back to Lawton in 1994 and her grandson and his friends asked her if there was anything she could do to help them because they wanted a center. Bennett said she came on board to be there until the project was finished. She said she had distributed a book showing pictures of activities and asked Council to see if they felt that would be worthwhile.

Beller asked if the EDI grant had been submitted for \$730,000. Pondrom said no. Beller asked if it looked favorable. Pondrom said at the last meeting it did not look favorable, but since then the Congress and the President have worked out a balanced budget agreement and part of that includes funds for HUD for this program, so it appears more favorable than it did at the last meeting. Pondrom said federal funding is only provided on an annual basis, but that you would never know

unless you submitted an application.

Willie Hopkins, Jr., 1906 Garfield Avenue, said he was present to speak on behalf of the Dunbar Center. He said he is a dreamer or visionary, looking ahead, and seeing the grand opening of the Dunbar Community Center. Hopkins said the grand opening would say, in effect, that we struggled, but we prevailed; we prevailed over our insecurities, those things that effect us, those things that divide us, those things that keep us from working together, but we prevailed. He said this can only be realized if we work together.

Hopkins said you are not just dealing with a building that someone wants to make look good; you are dealing with an investment for the future. He said the crime we have now can be challenged in that area by a viable center for those kids with the right kind of programs; it can provide opportunities for police to speak, as well as arts programs and all kinds of things can happen with that center. Hopkins said he did not want the reconstruction of the center to be just for Black people, or White people, but wanted the project to include the basis of Lawton, everyone of every race. He said he wanted a positive approach of how this could be done rather than how we can get out of doing it. Hopkins said that is not an accusation, but approaching the project has been like driving with one foot on the accelerator and the other on the brake, you race the motor but do not move. He said we should take the foot off the brake and move ahead as a group to do something about our City and an area that has been hurting for a long time.

Hopkins said when he first came to Lawton in the 1950s, people of his color could only live in the Patterson area or the Dunbar area. He said progress had been made and a few chose to stay there. Hopkins said six of his seven children passed out of the Dunbar School area, so he identified with the place, and now there is an opportunity to do something. He said funds can be obtained for historical preservation and the Dunbar Center fits this category. Hopkins said the City gets approximately \$1.4 million per year through CDBG and HOME funding, and has been getting that for many years, so that funding is in place. He said a payment of \$41,000 a year to pay this back, in ten years, you would have paid over 2/3rds of the cost from the money given to the City for people in areas such as the Dunbar area. Hopkins said that area is called census tract 16 and it has the very low and moderate income people in the greatest concentration; if you really want to make a statement, not in words but in demonstration and performance, he would urge support of the project and ask how you can help this to become a viable project. Hopkins said he was looking forward to the ribbon cutting ceremony to reflect a group of people working together for a common cause to help the neighbors.

Rose Harkey, wife of the late Lemuel Harkey, said she has lived this and went to Dunbar today to help Ms. Bennett to get ready for a project they are having. She said she did not know all the ins and outs of the funding, but wanted to invite everyone to the functions so you can see the children who attend and the activities. Harkey thanked the Mayor for his support, and her Council lady, and the others who have been there. She asked that they be given an opportunity and said that she had faith to believe and have a vision to see improvement in the Lawton View community, which has problems, as does every other community, but you have to try to do something about it. Harkey asked that Council allow them to put in the application and to consider the things they could do to help make their community better.

Philip Rashid, 1621 SW Pennsylvania, said when he walks out his back door he looks at the Dunbar Center, and that he has seen a great improvement over the last 12 years. He said when he came to Lawton, he was told by people that he did not want to live in Lawton View, and he said that was exactly where he wanted to live because it reminded him of where he grew up. Rashid said he had lived in all kinds of neighborhoods and had worked with all kinds of people, and that he liked that neighborhood and was speaking as a citizen. He said some of the concerns of the Council appeared to have some foundation but it did not seem to be enough to stop the development of the project. Rashid said Lawton is our City, and if there is a sore spot in it anywhere, it is a sore spot for everyone. He asked that the Council support this project.

Vera Boyd said she is employed by the City of Lawton as an arts activity coordinator and that the City held a spring break during March 1997 where a professional artist came in to teach the youth of the area how to do tie dying. She said children of a wide range of ethnic and racial cultures participated and were thrilled by the experience. The activity was held at Dunbar School. Boyd said \$1.2 million cannot be enough for that area due to the history that it represents and the youth in the community that need this center.

Mayor Marley asked if anyone had anything further to offer on this subject.

Charlotte Haywood said you need to take a chance; life is a chance; and the residents took a chance by voting the current officials into office. She said she did not attend Dunbar School but beauty is in the eye of the beholder and she could see the future where young people could use the building where before they had nothing going for them or did not have a vision. Haywood said they wanted to give their children a hope for the future and instill pride into them, integrity, and let them know they are somebody and can be somebody no matter where they came from or where they live. She asked that they be given a chance to make this project work.

Steven Boyd said there were questions as to the layout of the Dunbar Center, with only a certain amount of space being allocated for the USA organization. He said the building has a flat roof and it is being looked at to see if it could be expanded upward if needed. Boyd said in regard to the concerns as to the lessees, they are researching contingency plans should either GPIF or Marie Detty have to move out.

He said the people who will support the center will be in Lawton View and they should not have to move to another area to provide the support. Boyd asked that this be included in the consideration.

PUBLIC HEARING CLOSED.

Shanklin said he went to Dunbar on Sunday and did not see a window that was not boarded up, and saw debris to the west. He said there is no capability to put a second story on the building and that there is no way that would pass the code without doing columns on the outside perimeter. Shanklin said this is CDBG money and if they want to isolate themselves, he had no problem, but still felt something new could be built at a lesser cost. He said someone will have to watch this program.

Williams asked how many square feet the City rents outside its own buildings. Schumpert said the only one that comes to mind is Housing and Community Development, which is renting around 1,600 square feet. Schumpert said the Parks & Recreation and Personnel Departments are currently housed in the Owens Multi-Purpose Center because there is not another space for them, although that space is not rented but does take space away from use as a community center.

Williams said many people spoke in favor of this, with great compassion, and mentioned taking a leap of faith. He said if the two lessees are not able to take care of the rent, then that responsibility falls back on the City. Williams said if USA has a number of people who want this project to come about, that their membership may consider personally guaranteeing this if Marie Detty and GPIF are not able to adhere to their lease agreements. He said that would be something to think about and that he would support the project.

Beller said tonight we have played "what if", and the question should be "what if" it succeeds, and the entities continue to lease space as they have done for a number of years with a good track record. He said he felt we should take the chance. Beller said there are old homes in Lawton which should not be renovated but the owners have a deep and abiding interest in seeing it succeed, and that is the situation with Dunbar School. He said he felt it was in the best interest of Lawton to renovate Dunbar School, that it is an eyesore in its current state and something must be done with it, so why not take a chance with this group and see if a grant will be approved.

Maples asked if the groups back out of the leases, and the government discontinues CDBG funding, where would the funding be from to repay the loan. Pondrom said CDBG funds are in the seven year balanced budget at the current level; the City is projected to receive \$1 million per year for the next seven years. Pondrom said if there are no CDBG funds that would almost mean the shut down of HUD and many different things would have to be negotiated. Vincent said if there are no CDBG funds, the City would be ultimately responsible to come up with the money through the general fund budget. Pondrom said a waiver could possibly be requested in that instance.

MOVED by Green. SECOND by Shanklin, that the City of Lawton apply from HUD to renovate the former Dunbar Elementary School and take the appropriate actions.

Purcell said he would support this now but that when he arrived tonight he was having great difficulty supporting the portion for the loan. He said after listening to everyone, he could support it. Purcell said he hoped everyone understood that if the loan does not get paid, which hopefully will never happen but, that repayment will be taken from the CDBG money, so the money that goes into the community now through CDBG, if that should happen, would be reduced by about \$41,000 for however long is needed. He said as long as everyone could support that, he would support the item.

VOTE ON MOTION: AYE: Green, Warren, Maples, Williams, Sadler, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

Beller said he supported the item in memory of Lemuel Harkey.

6. Hold a public hearing and adopt a resolution declaring the main structure at 812 SW E Avenue to be dilapidated and detrimental to the health and safety of the community, and authorize the expenditure of City Council Contingency Funds, if necessary, to demolish this structure. EXHIBITS: RES. NO. 97-____.

This item was removed from consideration as the owners had obtained the necessary permits.

7. Hold a public hearing and adopt a resolution declaring the three (3) structures at 1520 SW New York Avenue to be dilapidated and detrimental to the health and safety of the community, and authorize the expenditure of City Council Contingency Funds, if necessary, to demolish these structures. EXHIBITS: RESOLUTION NO. 97-____.

This item was removed from consideration as the owners had obtained the necessary permits.

8. Hold a public hearing and consider a resolution amending the Rose Hill Urban Renewal Plan, OKLA R-51, to include church and religious institutions as a commercial use and determine that the amendment is not a significant change from the existing land use plan. EXHIBITS: RESOLUTION NO. 97-68.

Deborah Jones, Assistant City Planner, said the amendment is needed with regard to a sale of property to the Zoe Christian Center that the Council approved in concept on April 8, 1997. Currently the Urban Renewal Plan does not allow churches as a permitted use in Block 108, therefore, staff has prepared an amendment to the Plan, which has been processed by the Lawton Urban Renewal Authority and the Planning Commission. No one has raised any objection to the plan amendment and staff recommendation is for approval, following the public hearing. She asked that Council declare that this is not a significant change from the existing plan.

PUBLIC HEARING OPENED. No one appeared to speak.
PUBLIC HEARING CLOSED.

MOVED by Purcell, SECOND by Maples, to approve Resolution No. 97-68. AYE: Warren, Maples, Williams, Sadler, Purcell, Shanklin, Beller. NAY: None. OUT: Green. MOTION CARRIED.

(Title only) RESOLUTION NO. 97-68

A RESOLUTION AMENDING THE ROSE HILL PROJECT, OKLA R-51, LAWTON, OKLAHOMA, TO INCLUDE CHURCH AND RELIGIOUS INSTITUTIONS AS A COMMERCIAL USE.

9. Consider entering into a contract for sale of land for private redevelopment with the Zoe Christian Center, Inc. for the construction of a church. EXHIBITS: CONTRACT FOR SALE OF LAND FOR PRIVATE REDEVELOPMENT.

Schumpert said Council authorized the sale of the property to Zoe Christian Center, Inc. for \$30,000, and a contract for sale has been prepared. He said the agreement was signed by representatives of Zoe Christian Center, Inc., with reservations due to the fact that there is no abstract on the property, title needs to be brought up to date, and cost is anticipated at approximately \$1,500. Schumpert said the document shows the City to receive a net of \$30,000. He said part of the reason for staff recommendation is that the property being sold is likely quite a bit less than what an appraised value could turn out to be, or an expected cost or price in that area. Schumpert said to pay seller fees from this further lowers the amount the City would receive for the property. He said given the price of the property, it would seem fitting for the buyer to pay those costs, and that is not uncommon.

Green suggested the cost of the abstract not be payable by the Zoe Christian Center, but that the City pay that cost. Beller asked what that cost would be. Schumpert said it is estimated at \$1,500, which would reduce the proceeds from the property to \$28,500. Beller said he thought \$30,000 was a pretty good buy.

Purcell said the City has a problem with parks as far as upkeep and equipment. He said this land will be sold, and a list is being developed of other parcels of the land the City hopes to sell, and suggested, starting with this parcel, that the money made from the sale of these lots go into a special fund to be used to improve and buy playground equipment on the other parks and playgrounds. Pondrom said sale of the land would be considered program income to the block grant program and would be subject to all the rules and regulations of appropriating Community Development Block Grant funding. Purcell asked why it had to go to CDBG money since the City is selling land it owns. Pondrom said the land was part of urban renewal, and when those projects were closed out, the City agreed with HUD that any sale of land would go to the Community Development Block Grant fund in the close out agreement in 1977. Purcell asked if it could still be earmarked for parks. Pondrom said the parks would have to serve low and moderate income areas and be appropriated through the normal process, but that could be accomplished.

Sam Moyd, Pastor, Zoe Christian Center, residence at 1509 SW 68th Street, said they requested to purchase the land for \$30,000, which was their budget to purchase land. He said there had been three contracts with the City already, and the first one showed they would be given a warranty deed and that the City would pay for the abstract, it was the City's problem, they lost the abstract or never had an abstract, and it is customary for people purchasing land to pay normal and customary fees and bringing an abstract current is not part of that customary fee. Moyd proposed the City pay for the abstract and they would pay the \$30,000 agreed on already, and Zoe would pay for escrow and opening and closing of the escrow. He said the abstract cost, according to Stewart Title, would be \$1,700 to bring it current so it would have to go from 1904 all the way to date.

Moyd said he had a problem with conveying the land by quit claim deed, and that anyone could do that and they would rather have some other type of conveyance.

Vincent said the City took the majority of the property through condemnation or court action during the urban renewal phase; the City cannot give any better than it got, and the City got a quit claim deed so that is all they can give.

MOVED by Green, SECOND by Beller, to authorize the Mayor and City Clerk to execute the contract for sale of land for private redevelopment between the City of Lawton and Zoe Christian Center, and amending the abstract cost back to the City instead of to Zoe Christian Center.

Purcell said he would like to amend the motion to further state that the money that goes back into CDBG funds be earmarked to be used on parks, park improvement, under the CDBG. Green and Beller agreed to the amendment.

VOTE ON MOTION AS AMENDED: AYE: Maples, Williams, Sadler, Purcell, Shanklin, Beller, Green, Warren. NAY: None. MOTION CARRIED.

10. Receive a report from the Councils Committee on the Operations of the Museum, and approve an interim agreement between the City and the Institute of the Great Plains for continued support of the Museum of the Great Plains. EXHIBITS: INTERIM AGREEMENT (AMENDMENT NO. 3); PROPOSED CONCEPT.

Schumpert said Council Members Williams and Green served on a committee, which started out with an agreement with the Institute that by January of this year we would have an agreement on the future of the Museum. Although that goal was not reached, the Committee has met with the Institute and arrived upon an agreement that makes everyone comfortable as

to how the Museum will be supported in the future through forming a trust. The City would provide, through that trust, an agreement for the land and some maintenance to the structure. The Institute would lease or convey the artifacts to the trust. The trustees would be appointed by the Council, but three would be designated by Council directly, three would be recommended by the Institute and three would be recommended by McMahon Foundation. The trust should be in place and operating by January 1998 so they can prepare the necessary budget request to Council for the next budget year. The current employees of the Museum would be transferred to the trust, there would be some options as it relates to participation in various City plans such as pension, sick leave, vacation, etc. Employees could be paid for things, or roll over the benefits, and on the pension, they could remain in it or we would cash them out to include the City's portion and they could enter into a new pension plan. The trust would develop a health plan, which would not be difficult for them to do.

Schumpert said the item allows us to move forward with development of the trust. He said he visited with the Chairman and Executive Director of the McMahon Foundation and they appear to be satisfied with this direction. Schumpert said the agreement tonight extends the City's full support of the Museum until the next fiscal year and allows for transition and development of the trust, which will thereafter manage the affairs of the Museum. Schumpert said by being a trust, there will be options to obtain additional funding, which are not available to the City nor the Institute, and hopefully allow them to gain greater flexibility in the operation of the Museum and allow them to pay what they consider to be more appropriate salary to the staff. The trust can seek grants and loans to operate the Museum.

Williams said a number of meetings were held with the Institute group and it took some time to read through the concerns. He said they met with the full Institute Board, which is in agreement. Williams said the Institute Board adopted this agreement at its meeting last Thursday. He said the manner in which the members of the trust would be selected was an important mix.

Beller said one clause shows that the City Council will have annual approval of the trust's budget. He asked how the Council had a position in that. Vincent said the trust will be created under Title 60 of the Oklahoma Statutes, and the municipality will be the beneficiary, and by law, that municipality must have budgetary approval at least once a year. Mayor Marley said it would be set up different from the Airport Authority. Beller asked if the City would be involved in daily expenditures and Vincent said no.

MOVED by Williams, SECOND by Warren, to approve the interim agreement and proposed concept of operation, management and control of the Museum of the Great Plains. AYE: Williams, Sadler, Purcell, Shanklin, Beller, Green, Warren, Maples. NAY: None. MOTION CARRIED.

11. Consider authorizing the expenditure of \$16,000 from the 1995 Capital Improvements Program (CIP) to overlay and improve NW 21st Street from Ferris to Cache Road. EXHIBITS: NONE.

Williams said this is in Ward Two, and driving Sheridan Road from Ferris north is a tremendous log jam. He said 21st Street is becoming more and more of an artery for the traffic flow to move north and south as an alternate route moving off of Sheridan Road. Pictures were passed around showing the condition of the street.

Purcell said he drove the entire length of 21st Street this weekend, and that he would accept 21st Street in its current condition, on Flower Mound Road, which carries 2,500 to 3,500 cars per day. He said 21st Street is in much better shape than Flower Mound Road. Purcell said a van was overturned off of Flower Mound Road because it had run into the drainage ditch; no one was hurt, the van was pulled out, and the Street Division did an excellent job of putting up reflector poles that afternoon all along the ditch. He said from the end of the road to the ditch where you can see in that particular area is less than one foot, and the road is cracking. Purcell said he would much prefer to see a main arterial be improved and that he had previously requested that Flower Mound be improved.

Beller said a lot of traffic would be taken off of Sheridan Road by making this improvement, and that businesses had been added to the east side of Sheridan Road, which will bring in traffic. He said this would be money well spent in improving the longevity of the road.

MOVED by Beller, SECOND by Williams, to authorize expenditure of \$16,000 from the 1995 CIP to overlay 21st Street from Ferris to Cache Road.

SUBSTITUTE MOTION by Shanklin, SECOND by Maples, to authorize expenditure of \$16,000 to overlay 21st Street from Ferris to Cache Road but take the funding from the Council Contingency and not touch the 1995 CIP.

Williams asked if that would affect the upcoming vote on the budget. Schumpert said it would not be a significant impact due to the amount.

VOTE ON SUBSTITUTE MOTION: AYE: Sadler, Shanklin, Beller, Green, Maples, Williams. NAY: Purcell, Warren. SUBSTITUTE MOTION CARRIED.

Williams said he had previously attempted to raise funds for capital improvements and the motion did not receive a second. He said action is needed to allow the City to be able to take care of these problems.

12. Consider authorizing staff to prepare plans and specifications to sandblast and paint two elevated storage towers

located in the water distribution system and the backwash storage tank and sedimentation/clarification basin located at the Medicine Park Water Treatment Plant. EXHIBITS: INFORMATION SUMMARY OF WATER SYSTEM FACILITIES.

Schumpert said background indicates these items need to be done, and a portion is important to have done prior to Bar-S becoming operational. Recommendation is to complete the projects using \$550,000 from the 1995 CIP, and part of the reason for the 1995 CIP is to make this kind of improvement to the system.

Shanklin asked if only two facilities would be done. Schumpert said two elevated storage towers, the backwash storage tank, and the sedimentation/clarification basin at the Water Treatment Plant. Shanklin said there will be nothing left in the 1995 CIP by November.

MOVED by Shanklin, SECOND by Beller, to send out the RFPs. AYE: Purcell, Shanklin, Beller, Green, Warren, Maples, Williams, Sadler. NAY: None. MOTION CARRIED.

Schumpert said this would be for the plans and specs to be prepared.

13. Consider approving an ordinance amending Article 13, Chapter 7, Lawton City Code, 1995, relating to Adult Business licensing requirements amending the definition of massage parlors, application procedures, licensing, suspension or revocation of licenses and declaring an emergency. EXHIBITS: ORDINANCE NO. 97-29.

Mayor Marley said a person had requested to speak and the Council agreed to receive comment.

Christopher Perry said he is a resident of Lawton and had recently operated a massage therapy business. He said it had come to his attention that some of the language in the proposed ordinance has the appearance of a violation of restraint of trade and free association parts of the United States and Oklahoma State Constitutions. Perry said some of the language as far as use of the words "massage parlor" and including the portions about professional massage therapists has the connotation that we are also running an adult business, when in fact, everyone knows the two are completely different. He asked the Council their views on that matter.

Mayor Marley asked what Perry was specifically referring to as far as conflicts with constitutional provisions. Perry said the portion which recommends that massage therapists belong to a nationally recognized massage therapy association which has insurance liability. Beller asked if Perry would propose going to a class room hours type of training before a person would be a massage therapist. Perry said his personal recommendation, he went to a school in Texas, as did others in the audience, and the only hours given are 300 hours of professional massage training, which in his opinion is adequate for these purposes.

Vincent said he spoke with Dr. Perry for almost an hour yesterday on this subject; the City does not license massage therapists but excludes them, so the problem is how does the enforcement branch know that these persons are certified and have received the proper training. He said there are schools in Texas, one is proposed to be opened in Lawton, and there are four schools in Oklahoma City that are certified massage therapy schools; however, those schools provide a basic educational course in massage therapy. Vincent said to be a member of an association, you must have continuing education, which is not required in Oklahoma because Oklahoma does not license massage therapists, but Texas does. He said there are around 15 nationally recognized massage therapy associations that have various levels of membership, and only the higher levels of membership have continuing education and the requirement for liability insurance. Vincent said staff did not know where to make the break point as far as the appropriate number of hours of training; therefore, to try to cover the most people we could as an exemption from the adult business licensing requirement, it was determined through meetings with Dr. Perry and other interested people in the community, as well as people from other states, the broadest definition we could find that would fit that would allow the most number of people the exemption from licensing was the insurance requirement. He said he felt it fully met the requirement of the United States Code because staff was very well aware of the Sherman Act through dealings with the Hallco lawsuit. Vincent said this is an exemption from licensing; Mr. Perry would not be required to have a license if he has the necessary certificate, he can open his business tomorrow.

Vincent said we do not have the ability to recognize licensing in Texas, and work is underway to get licensing established in Oklahoma, which would solve a lot of problems.

Beller asked if the concern was that people would be required to be a member of a national organization. Perry said that is one of the concerns. Beller asked if Perry did not think that was something he should have to do to be part of the exemption. Perry said he felt it had a bad appearance. Beller asked Perry if he would do it to be exempt. Perry said certainly.

Beller said he has a distant interest because his daughter is interested in this field, as well as chiropractic. He said he felt this was removing the stigma from massage therapists that is present with to massage parlors. Perry said he was also concerned with the term massage parlor, and having that connotation from previous years; he felt the adult businesses should not ethically have the right to use that kind of language in describing the business. Perry said as a legal matter, that may be a different story, but that he wanted to go on record as saying that this is the situation.

Vincent said there had been discussions in that area also and that they found no way they could restrict the common usage of a word in the English language, although the State Legislature has that authority.

Beller said background information states that "no license mistakenly issued by the licensing authority will be revoked or suspended unless the license should not have been issued because the licensee...." He asked for clarification. Vincent said there was a situation this year where two licenses were issued by mistake, they should not have been issued; because of the way the Code was written at that time, we felt it was necessary to through the revocation procedures, and they appealed to the Municipal Court Judge who did not allow the revocation to take place because of the unilateral mistake of the City. Vincent said the proposal is to put into the Code a way to not have to go to the Judge to have our orders overturned.

Vincent said one of the reasons the Code is so strict is because of a United States Supreme Court requirement, taking away discretionary authority in licensing matters when it deals with adult businesses and alcohol related institutions.

Purcell said he had a question as to the wording in that regard, and asked if the meaning is that if we mistakenly reissue a license, we cannot revoke it. Vincent said that is what we are saying. Purcell asked if that is what we want to say and Vincent replied yes. Vincent said if the applicant lied on the application, then it can be revoked. Purcell asked if someone applies for an adult business license, and there have been a number of violations during the past year, and someone clerically reissues the license, we will not revoke it. Vincent said he was not saying that, and if the applicant put down that there were no convictions and we did not do a proper background check but relied on the statement of the applicant and find out after issuance, we would attempt to revoke. Purcell asked if the person puts down that there have been five instances but the license is still issued, would the person get to keep the license. Vincent said yes. Purcell asked if it had to be written in that manner. Vincent replied no. Purcell asked why we wanted to make it that way. Vincent said it is fair, if a person gets license renewal in advance as required, and they lease a building for an additional year, then we find out three months later that we made a mistake, it would be difficult to penalize the applicant.

Shanklin said it appeared that Section 7-1315, prohibited acts and conduct, would separate the occupations. Vincent said the only addition to that section is regarding adult business owners paying people to bring in clients.

MOVED by Purcell, SECOND by Green, to approve Ordinance No. 97-29, waive the reading of the ordinance, read the title only, and declaring an emergency.

(Title read by Clerk) ORDINANCE NO. 97-29

AN ORDINANCE AMENDING CHAPTER 7, LAWTON CITY CODE, 1995, RELATING TO ADULT BUSINESSES BY AMENDING SECTIONS 7-1302, 7-1309, 7-1310, 7-1315 AND 7-1320 RELATING TO DEFINITIONS, APPLICATION, LICENSING, SUSPENSION OR REVOCATION OF ADULT BUSINESS LICENSES, PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.

VOTE ON MOTION: AYE: Shanklin, Beller, Green, Warren, Maples, Williams, Sadler, Purcell. NAY: None. MOTION CARRIED.

*Beller noted that Vincent indicated it would be proper for him to vote on this question.

ADDENDUM BUSINESS ITEMS:

1. Hold a public hearing on the Proposed Budget for the fiscal year July 1, 1997 through June 30, 1998. EXHIBITS: PRELIMINARY BUDGET SUMMARIES.

PUBLIC HEARING OPENED.

Dick Zarle, 207 Crystal Hills Drive, distributed information and said he had been asked by some residents of Terrace Hills Addition to speak regarding Albert Johnson Park. Zarle said funds were originally allocated for Albert Johnson Park but Council had transferred the funds to a different area. He said he understood one reason for that was that the land is leased school property; the City has leased land in a similar manner for Grand View Park but has spent about \$1 million on improvements there.

Zarle said residents want something to be provided for Albert Johnson Park, whatever it may be. Funding was reduced from \$30,000 to \$15,000, then to zero. Residents would like this decision reconsidered to allow for some, little funding from the budget for this park.

Mike Jones, 7824 Morocco, said the park is located at 82nd and Rogers Lane and is one of the heaviest used parks in the City, containing four ball diamonds currently being used by 13 teams; the park is in use every day of the week. He said the softball team he coaches currently practices on Wednesday and Sunday because that is the only time they can get access to the field. Jones said the park also contains three soccer fields, which are used by six teams during two seasons for six months out of the year. He said families also use the playground.

Jones said the surrounding community residents are heavily involved in maintaining the park and that a list had been provided showing donations that had been made. He said coaches contribute over 200 hours of labor annually on the ball fields alone in this park, which is not typically done. The neighborhood has laid water lines, planted trees, watered them, and put a lot into the park, and would like the City to give something in this regard. Jones said the park is leased from the school system but there is a land swap being worked out, and the school system would not be taking the land back because the City has the first option to buy the land.

Clint Mullins, 7808 NW Welco, said he uses the park and it does not have much equipment. He asked that the City help financially with the park.

Jeremy Gordon, 2614 N 81st St., said a lot of kids use Albert Johnson Park and asked that improvements be made.

Billie Sue Taylor, 7914 NW Terrace Hills Boulevard, asked that the City help support the park, as the area residents had done.

PUBLIC HEARING CLOSED.

2. Consider a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 1995, as amended, increasing the commercial water and commercial, business and governmental sewer fees. EXHIBITS: RESOLUTION NO. 97-69.

MOVED by Purcell, SECOND by Maples, to approve Resolution No. 97-69. AYE: Beller, Green, Warren, Maples, Williams, Sadler, Purcell, Shanklin. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 97-69

A RESOLUTION AMENDING APPENDIX A, SCHEDULE OF FEES AND CHARGES, LAWTON CITY CODE, 1995, AS AMENDED, INCREASING THE RATES FOR COMMERCIAL WATER AND SEWER SERVICE AND ESTABLISHING AN EFFECTIVE DATE.

3. Consider adopting a resolution assessing a fee on water bills for infrastructure improvements. EXHIBITS: RESOLUTION NO. 97-____.

Mayor Marley said this item would be pulled because there was not a vote on it during the Lawton Water Authority.

4. Consider an ordinance amending Article 18, Chapter 7, Lawton City Code, 1995, amending definition of coin-operated devices requiring decals, amending application procedure and licensing for recreation centers and amusement centers/arcades, providing for exemption, providing for severability, and declaring an emergency. EXHIBITS: ORDINANCE NO. 97-30.

Vincent said a corrected ordinance had been distributed regarding the definition section, and that spelling would be corrected.

MOVED by Purcell, SECOND by Shanklin, to adopt Ordinance No. 97-30, waive reading of the ordinance, reading only the title, and declaring an emergency.

(Title read by Clerk) ORDINANCE NO. 97-30

AN ORDINANCE RELATING TO RECREATION, AMENDING ARTICLE 18, CHAPTER 7, LAWTON CITY CODE, 1995, AMENDING DEFINITION OF COIN OPERATED DEVICES, REQUIRING DECALS TO BE AFFIXED TO EACH COIN OPERATED DEVICE LICENSED BY THE CITY, AMENDING APPLICATION PROCEDURES AND LICENSING FOR RECREATION CENTERS AND AMUSEMENT CENTER/ARCADE, PROVIDING FOR EXEMPTION, PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.

VOTE ON MOTION: AYE: Green, Warren, Maples, Williams, Sadler, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

5. Consider a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 1995, amending the fees for coin-operated devices and providing for an effective date. EXHIBITS: RESOLUTION NO. 97-70.

Mayor Marley said he had received a request to speak and Council asked to receive input.

Charles Stiles, 2327 Dunstan Lane, said he understood the fees would be established at a maximum of \$20 per machine but it does not address the bulk vending machines. He said the rate at the state level for twenty-five cent vending machines is \$50, and \$5 for other machines. Stiles said the bulk vending machines in this ordinance would tax them at \$3.75 per machine, which is 75% of the \$5 allowable. Stiles said the big, regular vending machines would be taxed at \$20 per machine, and that would represent a tax rate of 53%, whereas, the bulk vending machines would be taxed at 100% of the maximum allowable rate. Stiles said he was sure this was proposed to raise money, but that the City wanted to be equitable and fair. He said the proposal as written is discriminatory, and suggested amending the bulk vending schedule to the same proportion as the big machines. Stiles said instead of \$3.75, the rate should be \$2.00, or 1/10th of the cost of a big machine.

Shanklin asked the definition of a bulk vending machine. Stiles said it is a machine that has one coin mechanism and the purchaser does not have a choice of product as the machine vends a single item; examples are bubble gum machines, toy machines, sticker machines, peanuts, bulk candy, etc. Vincent said that the Code does not define bulk vending machines in that manner. Vincent read the definition of bulk vending machines from the Code as follows: "Coin operated bulk vending device means machine or device which upon the payment or insertion of a coin, token or similar object, dispenses to the

purchaser, ball point pens, combs, cigarette lighters, prophylactics, filled capsules, peanuts, gumballs, mints, perfume or novelties." Vincent said it is broken down in the fee schedule into two different types; those that dispense one or more items, up to five; and those that dispense five or more items from the same machine.

Stiles said he disagreed with the last part of the definition, although he agreed with the items listed. He said when you get to two or more machines, you are talking about a console machine that has any number of machines in the console. Stiles said when you think of bulk vending machines, you think of one bubble gum machine, which is taxed at \$5.00. He said the console of two to five machines or more, that has a special rate, \$15 State requirement and \$11.25 City requirement at the 100% rate.

Shanklin asked if the State fee is \$5.00 for one item, one coin machines. Stiles said yes. Shanklin asked if Lawton was charging 75% of that \$3.50; Stiles said \$3.75. Shanklin asked Stiles if he thought it should be 50%. Stiles said 53%, or \$2.00. Shanklin asked Stiles how many machines he had. Stiles said the total is over 1,000, with probably 500 of them in Lawton.

Mayor Marley said he had discussed this with Mr. Stiles and the basic argument was that some with small machines are being charged the maximum amount, and that everyone should be charged the same rate.

Beller asked if the City charged 75% on the amusement devices. Shanklin said the agreement was no more than \$20. Purcell said the Codes definition of bulk vending device talks about vending one or more products through a single distribution mechanism requiring twenty-five cents or more to operate will cost \$3.75 in fees. Vincent said it is broken down further in the resolution on the fee schedule. Purcell asked how you get a machine that vends one or more products if it can only vend one product. Stiles said that would mainly apply to toys in capsules. Beller said the material says one or more product but we are looking at one product.

Beller said Section 7-1811 would it not be more proper in the resolution to say which vends one product through a single distribution mechanism, rather than one or more, because on the next page 7-1811 relates to each coin operated vending device which vends one or more products but not more than five. Stiles said if that is taken from the State Statutes, that is talking about the number of machines built into a console, in other words, there would be five different coin mechanisms, each of which can be different. Beller said it would be a separate machine. Stiles said they are separate machines in a console.

Vincent said the State people explained it as you have a candy machine and on the top row you have five different kinds of candy bars, and on the next row you have another five or six different kinds; you put in fifty cents and push F3 to tell it which mechanism to drop the candy bar out, that is a bulk vending machine with more than one product. Stiles disagreed and said that is a \$50 machine, and that with bulk vending, you cannot select.

Beller suggested changing 7-1811 relating to each coin operated vending machine that vends one or more products, the consensus was to reduce \$3.75 to \$2.00. Instead of \$11.25 on the next page, the fee will be \$6.00. Schumpert said another suggestion that Stiles had made was to reduce the \$1.50 to \$1.00. Stiles said it should really be \$1.06 at the 53% rate. Beller suggested leaving that at \$1.50.

Schumpert said the two changes being considered are changing \$3.75 to \$2.00 and \$11.25 to \$6.00.

MOVED by Purcell, SECOND by Williams, to approve Resolution No. 97-70 with the two changes stated. AYE: Warren, Maples, Williams, Sadler, Purcell, Shanklin, Beller, Green. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 97-70

A RESOLUTION AMENDING APPENDIX A, SCHEDULE OF FEES AND CHARGES, LAWTON CITY CODE, 1995, AMENDING THE FEES FOR COIN OPERATED DEVICES AND PROVIDING FOR AN EFFECTIVE DATE.

Bob Hutchins said there are separate licenses for pool table and then all other machines, which he had never understood. He said the State recognized a pool table as a vending machine, and asked that all the licenses be \$20, and do away with the \$15. Mayor Marley said he understood it to read that all coin operated amusement devices would be \$20. Hutchins said that language was in the old ordinance but that was not the practice followed.

6. Consider a resolution approving the fiscal year 1997-98 Budget. EXHIBITS: RESOLUTION NO. 97-71; LIST OF ADJUSTMENTS AND CHANGES.

Schumpert said on the large format utility bill equipment, MIS Division, it reduced was \$31,500, but that actually was \$26,500. He said information had been requested on the pumper trucks and that a listing of vehicles by type had been distributed, and a listing showing where the equipment is placed. This years budget provides for an additional brush pumper which will be placed at Station 7; the other will be placed at Station 6, or the exterior stations since that is where we have the most brush fires. For Station 3, engine 3, that pumper apparatus is being bought in this years budget, and that will move engine 3, which is a 1979 MAC to a reserve unit to replace #37. He said in this budget, if approved, the pumper would replace Engine 7 which is a 1980 MAC, and Engine 7 would replace the Reserve Engine #33 which is a 1975 vehicle.

Williams asked if the maintenance costs are to date or life costs, or annual costs. Schumpert said life to date. Maples asked about the inspection over the last three years, if that was a vehicle inspection. Schumpert said no, it is a rating inspection; the engine is rated at 1,500 GPM but it was re-rated at 1,000 GPM, which is another reason for displacing Engine 7 off the line and moving it to reserve where the 1,000 GPM would be adequate.

Purcell said Engine 7 is 18 years old, has 80,000 miles, money has been spent on repairs, and it does not appear to be rated sufficiently, so it appeared logical to replace it.

Shanklin said Council should look at the replacement cost, and that just because something is 18 years old, it should not have to be replaced.

Beller said asked if \$26,000 in maintenance was for repairs to dents or body work, or if it was mechanical. Schumpert said all repairs. Don Barrington, Fire Chief, said \$26,000 did include repairs to dents and that the vehicle had been involved in one, minor accident, but the majority of the funds were spent for mechanical type repairs. Beller asked if the vehicle was rated at 1,000 GPM. Barrington said yes, service tests are done annually. Beller asked if the rating of 1,000 vs. 1,500 GPM would affect insurance rates. Barrington said ISO made the City perform the test this year and ISO would classify it only as a 1,000 GPM pumper, and points are assigned for the type of pumping equipment available.

Beller said he agreed with Shanklin and said the guys take excellent care of the vehicles, so just because it is 18 years old, that is not a concern. He said he had no problem keeping it unless he was told there was a mechanical problem with it. Barrington said it needed to be replaced because dependability and reliability of the pumper are vital to the firefighters, and crews have to work with the equipment on the fire scene to make it perform adequately.

Shanklin asked if the City could be sued for not having replaced this poor operating equipment for the last two years, and said if it is that bad, it should have been done several years ago. He said his point was we cannot get rid of everything we want to just because we have the wish book. Williams said it is an 18 year old vehicle and we do not know if it were put to the test if it would just lay down. Shanklin said that is possible with new equipment also.

MOVED by Purcell, SECOND by Williams, to keep the vehicle in the budget as originally approved to replace the vehicle with 80,000 miles. AYE: Green, Warren, Maples, Williams, Sadler, Purcell, Beller. NAY: Shanklin. MOTION CARRIED.

Schumpert said he had a question regarding the City's portion of the COPS grant. He said the original understanding was that it was a 25%, 50% and 75% program. Information was distributed showing what would be requested in the application, and the City's cost for each officer for the three years is \$24,408, or the City's funding of four officers for the entire three years at \$97,632. Schumpert said four additional officers would be needed four years from now and this appears to be an excellent way to receive them and only cost the City \$97,632 for that three year period. Amount requested in the budget is the initial \$24,408.

Williams asked if that was included in the budget change. Schumpert said the question is whether Council will leave the \$24,408 in the budget. Williams said he could support that; Shanklin and Purcell agreed.

Schumpert said notice was received that the City could obtain a \$270,000 COPS grant, but \$30,000 of match would be required. He said there was concern expressed by some members regarding the reserve officer program, and staff recommendation was to eliminate the reserve officer program but use \$31,000 toward the grant of \$270,000. Grant can be used for anything from personnel through capital outlay; this would likely be used for vehicles. Purcell asked if cameras could be purchased. Schumpert said yes, we can get the vehicle plus the camera. Purcell suggested it not be put into personnel; Schumpert agreed and said Council approval would be required for submission of the grant application. Consensus was to approve this recommendation. Schumpert said there is a federal mandate for Lawton to pick up the cost of insurance for police officers and firefighters who were injured in the line of duty and caused to retire as a result; if there is not agreement to do that, they will deduct 10% of the program. Schumpert said it is about \$100 each, and basically all appear to be retiring as a result of injuries in the line of duty, so recommendation is to take the 10% deduction rather than paying those costs.

Schumpert said the only other area of question appeared to be the supervisory training academy in Personnel and consensus was to approve that program.

Schumpert said with these changes, the \$62,000 would come out of the carryover and the budget would be recommended for approval.

Shanklin said we cannot clean up the City with the current staff. He said he turned in 30 properties that need to be looked at because they are vacant and boarded up, there have been no utilities in seven or eight years or more, and there are large rats. Shanklin said progress cannot be made without more staff support.

MOVED by Shanklin, SECOND by Green, to direct the City Manager to hire an individual that will work under Mr. Tucker who will do nothing but dwellings, and dwellings only, to inspect and see that they are demolished and brought to Code.

Williams said the comment was made that there were not adequate funds for demolition. Green said some can come from CDBG funding. Shanklin said there are not enough employees to get to them.

Beller asked if that was a need in Mr. Tuckers opinion. Tucker said another inspector would help, although it would create a need for additional typing, a vehicle, radio and similar items. Beller said he thought a vehicle could be found, and asked the approximate cost of this item. Schumpert said approximately \$25,000.

VOTE ON MOTION: AYE: Warren, Maples, Sadler, Purcell, Shanklin, Beller, Green. NAY: Williams. MOTION CARRIED.

Green asked the status of the smoke detectors for the Library. Schumpert said it is being considered with HVAC contract; bids are currently being reviewed.

MOVED by Maples, SECOND by Warren, to approve Resolution No. 97-71 adopting the budget for 1997-98 fiscal year as amended. AYE: Maples, Williams, Sadler, Purcell, Shanklin, Beller, Green, Warren. NAY: None. MOTION CARRIED.

CONSENT AGENDA:

14. Consider the following damage claim recommended for denial: Peter & Suzanne Bailey. EXHIBITS: LEGAL OPINIONS/RECOMMENDATIONS. Action: Denial of claims as recommended.

15. Consider the following damage claims recommended for approval and consider passage of resolutions authorizing the City Attorney to file friendly suits for claims over \$400: David & Louise Caplinger; Americorp Relocation; Billy G. & Maude E. Miller; Charlene Sebo; and Janet Baker. EXHIBITS: LEGAL OPINIONS/RECOMMENDATIONS. (RESOLUTION NOS. 97-72, 97-73 AND 97-74 on file in City Clerks Office). Miller: \$52.50; Baker: \$135.00.

(Title only) RESOLUTION NO. 97-72

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO ASSIST DAVID AND LOUISE CAPLINGER IN FILING A FRIENDLY SUIT IN THE DISTRICT COURT OF COMANCHE COUNTY, OKLAHOMA, AGAINST THE CITY OF LAWTON; AND AUTHORIZING HTE CITY ATTORNEY TO CONFESS JUDGMENT THEREIN IN THE REDUCED AMOUNT OF ONE THOUSAND, ONE HUNDRED DOLLARS (\$1,100.00).

(Title only) RESOLUTION NO. 97-73

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO ASSIST AMERICORP RELOCATION BY AND THROUGH THEIR REPRESENTATIVE, MAX SASSEEN, JR., IN FILING A FRIENDLY SUIT IN THE DISTRICT COURT OF COMANCHE COUNTY, OKLAHOMA, AGAINST THE CITY OF LAWTON; AND AUTHORIZING THE CITY ATTORNEY TO CONFESS JUDGMENT THEREIN IN THE AMOUNT OF ONE THOUSAND, SEVENTY-EIGHT DOLLARS AND 50/100S (\$1,078.50).

(Title only) RESOLUTION NO. 97-74

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO ASSIST CHARLENE SEBO IN FILING A FRIENDLY SUIT IN THE DISTRICT COURT OF COMANCHE COUNTY, OKLAHOMA, AGAINST THE CITY OF LAWTON; AND AUTHORIZING THE CITY ATTORNEY TO CONFESS JUDGMENT THEREIN IN THE REDUCED AMOUNT OF ONE THOUSAND, NINE HUNDRED DOLLARS (\$1,900.00).

16. Consider adopting a resolution ratifying the action of the City Attorney in filing and making payment of the judgment in the Workers Compensation case of Kenneth Gibson in the Workers Compensation Court, Case No. 97-07938 X. EXHIBITS: RESOLUTION NO. 97-75.

(Title only) RESOLUTION NO. 97-75

A RESOLUTION RATIFYING THE ACTIONS OF THE CITY ATTORNEY IN MAKING PAYMENT OF THE JUDGMENT IN THE WORKERS COMPENSATION CASE OF KENNETH GIBSON FOR THE AMOUNT OF SIXTEEN THOUSAND, SIX HUNDRED FIVE DOLLARS (\$16,605.00) PER ORDER OF THE WORKERS COMPENSATION COURT, AND FILING A FOREIGN JUDGMENT IN THE DISTRICT COURT OF COMANCHE COUNTY, OKLAHOMA, FOR PURPOSES OF PLACING SAID JUDGMENT ON THE TAX ROLLS.

17. Consider adopting a resolution declaring that Ninety Percent (90%) of the budgeted and appropriated revenues for fiscal year 1996-97 have been collected for the General Fund. EXHIBITS: REVENUE REPORT MAY 31, 1997; RESOLUTION NO. 97-76.

(Title only) RESOLUTION NO. 97-76

A RESOLUTION DECLARING THAT NINETY PERCENT (90%) OF BUDGETED AND APPROPRIATED REVENUES HAVE BEEN COLLECTED FOR THE GENERAL FUND.

18. Consider accepting an easement from Mr. Dale Sims for installation of a street light in Heritage Estates Addition. EXHIBITS: NONE. Action: Accept easement.

19. Consider adopting a street light resolution to authorize installation and removal of additional street lights in residential areas. EXHIBITS: STREET LIGHT RES. 396. Action: Approve Street Light Resolution No. 396.

20. Consider approving the construction plat for Heritage Hills Addition, Part 2, subject to conditions. EXHIBITS: PLAT MAP; MEMORANDUM FROM ENGINEERING DIVISION. Action: Approve the construction plat for Heritage Hills Addition,

Part 2, subject to conditions. Those conditions are: 1) approval of water and sewer systems by DEQ; 2) Approval of hydrologic and hydraulic analysis for CLOMR by FEMA and City of Lawton Engineering Division prior to submission of record plat; 3) Include rights of way for Wrattton Creek Tributary within the subdivision boundary per Section 21-503 C of the Lawton City Code, 1995; 4) Provide five linear feet of concrete encasement for water line at station 3+80 on NE 31st St.; 5) Provide six inches of filter blanket under 12 inches of Type I-A riprap at all discharge outlet points on plans; 6) Connection to existing manhole across Wrattton Creek Tributary must be from Manhole No. A-1 of original submission as per our letter of 4/7/97; a 90 degree connection from Manhole No. A-1 is also acceptable; 7) Include note under Erosion Control stating the following: Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently closed. Where construction activity will resume on a portion of the site within 21 days from when activities ceased (e.g. the total time period that construction activity is temporarily ceased is less than 21 days) then stabilization measures do not have to be initiated on that portion of the site by the 14th day after construction activity temporarily ceased.

21. Consider approving an amendment for a legal service agreement between the City and the Newcombe and Redman law firm extending the expiration date of said agreement to June 30, 1998. EXHIBITS: NONE. Action: Approve amendment and authorize execution. Pertains to Wightman v. City.

22. Consider acknowledging completion of the Oklahoma Department of Transportation Project for the Rogers Lane Project, Phase IV from NW 52nd Street to NW 82nd Street and south on NW 82nd Street to US 62. EXHIBITS: NONE. Action: Acknowledge completion of the project.

23. Consider rejecting all proposals for lease of office facilities agreement. EXHIBITS: VENDORS MAILING LIST; PROPOSAL TABULATION; DEPARTMENT RECOMMENDATION. Action: Reject proposals.

24. Consider extending contract for metal products. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATION. Action: Extend contract with Larrance Steel Corp., Lawton, OK, to 8/31/98 at same terms and authorize execution.

25. Consider extending contract for steel posts. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATION. Action: Extend contract with Big Bobs Discount, Lawton, OK, to 8/31/98 at same terms and authorize execution.

26. Consider extending contract for shoes (athletic/walking). EXHIBITS: VENDORS MAILING LIST; BID TABULATION; REC. Action: Extend contract with Bills Scoreboard, Lawton, OK, to 2/28/98 at same terms and authorize execution.

27. Consider extending contract for wireless communications equipment. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATION. Action: Extend contract with Precision Services Group, Austin, TX, to 8/31/98 at same terms and authorize execution.

28. Consider extending contract for telephone system. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; REC. Action: Extend contract with Perkins Office Machines, Lawton, OK, to 8/31/98 at same terms and authorize execution.

29. Consider awarding contract for bedding plants. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATION. Action: Award contract to 4-D Garden Center, Lawton, OK, and authorize execution.

30. Consider awarding contract for radios. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATION; LETTER FROM PCI COMMUNICATIONS, INC. Action: Award contract to BearCom Operating, L.P., Dallas, TX; and Lawton Communications, Lawton, OK; and authorize execution.

31. Consider rejecting all bids for clip shelving open units and awarding contract for card catalog file. EXHIBITS: VENDORS MAILING LIST; BID TABULATION; RECOMMENDATION. Action: Award contract for card catalog file to Highsmith, Inc., Fort Atkinson, WI, and authorize execution; reject bids for clip shelving open units.

32. Mayors Appointments. EXHIBITS: NONE.

Arts & Humanities Council:

Teresa Lubrano, Term: 6/30/97 to 6/30/2000
Dr. David Miller, Term: 6/30/97 to 6/30/2000
Juanita Pahdopony-Zotigh, Term: 6/30/97 to 6/30/2000
Dr. Sally Soelle, Term: 6/30/97 to 6/30/2000

McMahon Auditorium Authority:

Dallas Howard, Term: 6/30/97 to 6/30/2000
Mrs. Jo Johnson, Term: 6/30/97 to 6/30/2000

33. Consider approval of payroll for the period of June 2 through June 15, 1997. EXHIBITS: NONE.

MOVED by Shanklin, SECOND by Williams, to approve the Consent Agenda items as recommended.

Maples pointed out the City is paying \$4,200 in repairs on sewer lines.

VOTE ON MOTION: AYE: Williams, Sadler, Purcell, Shanklin, Beller, Green, Warren, Maples. MOTION CARRIED.

BUSINESS ITEM:

34. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the claim of Bobby G. Dodd, and in open session, consider adopting a resolution on a third party claim by Bobby G. Dodd against Tonya Ellis. EXHIBITS: NONE.

35. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to consider a settlement offer received in a third party claim styled Susan L. Ronan v. Jeffery L. Smith, Case No. CJ-96-133, Comanche County District Court, as take appropriate action in open session. EXHIBITS: NONE.

MOVED by Shanklin, SECOND by Williams, to convene in executive session as recommended. AYE: Sadler, Purcell, Shanklin, Beller, Green, Warren, Maples, Williams. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at 9:30 p.m. and reconvened in regular, open session at 9:40 p.m. with roll call reflecting all members present.

Vincent reported two items were discussed in executive session. As to Item 34, the claim of Bobby Dodd regarding workers compensation, recommendation is for joint petition settlement in the amount of \$100, and adoption of a resolution.

MOVED by Shanklin, SECOND by Green, to adopt Resolution No. 97-77. AYE: Shanklin, Beller, Green, Warren, Maples, Williams, Sadler, Purcell. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 97-77

A RESOLUTION WAIVING THE CITY'S SUBROGATION CLAIM ON A THIRD PARTY CLAIM BY BOBBY G. DODD AGAINST TONYA L. ELLIS IN CONSIDERATION OF THE FILING OF A JOINT SETTLEMENT PETITION BOBBY G. DODD VS. CITY OF LAWTON, IN THE WORKERS COMPENSATION COURT.

Vincent reported Item 35 also deals with workers compensation, Ronan v. Smith has been filed in Comanche County; settlement of the lawsuit is proposed and the City will receive \$3,500 in this settlement. Recommendation was to approve the settlement by resolution.

MOVED by Shanklin, SECOND by Green, to adopt Resolution No. 97-78. AYE: Beller, Green, Warren, Maples, Williams, Sadler, Purcell, Shanklin. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 97-78

A RESOLUTION APPROVING AND AUTHORIZING SETTLEMENT OF A THIRD PARTY CLAIM BY SUSAN L. RONAN AGAINST JEFFREY L. SMITH.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER.

Mayor Marley said he would be gone next week and until July 2. Williams said he would miss the June 24 meeting.

Shanklin said he thought the Council had done a good job on the budget, although he lost on his suggestions.

Beller thanked the City Manager for being able to accomplish this without increasing residential utilities.

Green invited everyone to participate in the Miss Black Oklahoma Pageant which will be held in Lawton, and to their arrival at Howard Johnsons. She also invited everyone to the Juneteenth Celebration on June 20.

Schumpert distributed the draft response to EPA on the sewer system. He said an attempt will be made to mail this on Friday and requested any comment prior to that time. Shanklin asked if the EPA is being notified that the Wastewater Treatment Plant is being enhanced to 18 or 19 mgd which would handle a city of 150,000 people, which would handle a good portion of the inflow and infiltration. Schumpert said the letter states funds have been spent on expanding the Wastewater Treatment Plant. Shanklin said EPA did not make us do that work.

Schumpert said he and the Chief of Police would go to Tampa, Florida, with expenses paid by Marie Detty Youth Services, Inc. to view some community intervention centers. Dates of travel are June 19 to 21.

Williams said a comment about the letter to EPA, on the back page, it states that the City Council in June 1996 authorized expenditure of \$3.5 million from the 1995 CIP to address and identify problem locations where existing lines are in

deteriorated conditions. He asked if that was done. Schumpert said yes, it was used for manholes where any were deteriorated. Williams said he would like to see that. Mayor Marley said that was the SSES. Schumpert said no, this is an additional amount; SSES showed a number of manholes in bad shape so Council allocated these funds to repair them and do some line repair.

Maples said crime stats have been distributed showing a 21% increase in burglaries.

There was no further business and the meeting adjourned at 9:45 p.m.